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**PLANNING APPLICATION BY:
MR E OZDEMIR**

**RELATING TO:
BILLINGFORD, ELSTREE HILL, BROMLEY, BR1 4JE**

PLANNING, DESIGN AND ACCESS STATEMENT

APRIL 2015

INTRODUCTION

- 1.1. We are instructed by Mr E Ozdemir to prepare this Planning, Design and Access Statement in support of an application for planning permission for the redevelopment of the site at Billingford, Elstree Hill, Bromley, BR1 4JE.



Figure 1: Front elevation of building.

- 1.2. We are familiar with the site and the surrounding area and have studied carefully the site's planning history and have then advised on the preparation of this application for planning permission. The development proposed seeks to demolish the existing dwelling and redevelop the site forming five flats.

2. THE APPLICATION SITE AND SURROUNDING AREA:

- 2.1. The site comprises a substantial two storey detached house which is situated on the eastern side of Elstree Hill, to the northern end of the road close to the junction with Coniston Road. The northern boundary of the site abuts Kirkstone Way, a private road which serves a small cluster of dwellings.
- 2.2. There is currently a large parking area in front of the dwelling and a boundary wall and mature landscaping bounds the site along the eastern and southern boundaries. The garden of the site is situated to the south and west of the main building.
- 2.3. The most notable feature of the area is the topography. Elstree Hill slopes downwards in a broad north to south direction.

3. **PLANNING HISTORY:**

- 3.1. A full search on the Councils database has confirmed the following relevant planning history at the property.

DC/12/03024/OUT – Demolition of detached house and replacement with block of 4 x 2 bed and 3 x 1 bed flats including provision of new access (refused – dismissed at appeal – reference APP/G5180/A/13/2198830).

- 3.2. This piece of planning history has formed the basis of this resubmission and will be assessed as part of this planning statement. The application was refused on the following grounds (the decision notice is outlined in **APPENDIX 1**):

1. The proposal would, by reason of its excessive bulk and scale, result in a visually dominant and overbearing form of development, out of character with the prevailing form of development in Elstree Hill and an over-intensive use of the site contrary to Policies BE1 and H7 of the Unitary Development Plan.

2. The proposal would, by reason of its height and scale, be harmful to the residential amenities that occupants of surrounding residential properties might reasonably expect to continue to enjoy by reason of its visual impact, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

- 3.3. These reasons for refusal were subsequently supported at appeal (**APPENDIX 2**). However, concerns over residential amenity only focussed on Number 27 Elstree Hill as any impact on the amenity to the occupiers of Yew Tree Lodge (to the north) and The Chalet (to the west) was not supported by the Inspector.

- 3.4. The principle of the development (demolishing existing dwelling and erecting flats) was deemed acceptable by both the council and the Inspector. Technical planning

considerations, such as impact on trees, amount of parking and new access via Kirkstone Way were also deemed acceptable. A condition was recommended for drainage.

4. THE APPLICATION PROPOSAL:

4.1. Planning permission is sought to demolish the existing detached house and replacement with block of 4 x 2 bed and 1 x 1 bedroom flats including provision of new access. A schedule of accommodation is outlined below for reference:

- Flat 1: 2 Bedroom 3 Person (64.5sqm);
- Flat 2: 2 Bedroom 3 Person (64.9sqm);
- Flat 3: 2 Bedroom 3 Person (62.9sqm);
- Flat 4: 1 Bedroom 2 Person (57.6sqm);
- Flat 5: 2 Bedroom 3 Person (64.7sqm);

4.2. The new flats will be situated on broadly the same location as the existing dwelling. The parking area will be retained at the front, providing five parking spaces, one per dwelling. The access will be repositioned, and will be gained off Kirkstone Way. The existing crossover and access from Elstree Hill will be removed. A new boundary wall will extend from the existing boundary wall, which forms the east / south-eastern boundary of the site.

4.3. The refuse store will be situated on the north-western corner of the plot, with five cycle spaces being situated on the western boundary with The Chalet. The existing landscaping along the south-eastern and southern boundary will be retained.

5. **PLANNING POLICY:**

5.1. Of relevance to this application are the strategic policies in the London Plan and the detailed policies within the saved Bromley UDP. It is also relevant to consider the Government's planning policy objectives as set out in the National Planning Policy Framework.

National Planning Policy Framework:

5.2. The Ministerial foreword explains that the Government's focus is promoting sustainable development, it states, "*Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.*" This presumption in favour of sustainable development is again explained at paragraph 14.

5.3. The Framework sets out a presumption in favour of sustainable development, encouraging the approval of such development without delay. Core planning principles set out within this Framework that are relevant to a housing development include the following:

- Meeting the housing needs of an area.
- Seeking a high standard of design and good standard of amenity for all existing and future occupants.
- Managing patterns of development to make the fullest possible use of public transport, walking and cycling, promoting development in the most sustainable locations.

5.4. Section 6 (Delivering a wide choice of high quality homes) advises at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

- 5.5. The advice at paragraph 50 is for the delivery of high quality homes, providing a mix of housing based on current and future needs.
- 5.6. As regards the design of new development, the Government sets out at paragraph 58 its commitment to ensuring that developments optimise the development potential of a site and ensuring that developments respond to local character and history. Paragraph 65 of the NPPF explains that LPAs should not refuse planning permission for buildings which promote high levels of sustainability simply because of concerns about compatibility with surrounding development.

London Plan:

- 5.7. Policy 3.3 sets out the objective of increasing housing supply in London in order to address housing need. Housing targets are set out at Table 3.1 and LPA's are encouraged to exceed these. The London Borough of Bromley's ten year target is to develop at least 6,413 net additional dwellings, which equates to 641 net additional dwellings per annum.
- 5.8. Policy 3.4 explains that developments should optimise housing output.
- 5.9. Policy 3.5 relates to the quality and design of housing and sets out the Mayor's objective that all new housing is designed to the highest quality both inside and out and accounts for their context and the wider environment. Associated with this policy is Table 3.3, which sets out minimum gross internal areas for residential property and requires that 2 bedroom 3 person units should be at least 61sqm and 1 bedroom 2 person units should be 50sqm.
- 5.10. Policy 5.3 explains that new developments should achieve the highest standards of sustainable design and construction in order to improve their environmental performance.

- 5.11. Policy 7.1 deals with building London's neighbourhoods and communities and seeks to ensure that developments provide a good quality environment for the local community, requiring that Councils have regard to the design of new buildings, which should help to create and reinforce or enhance the character, legibility and permeability of the neighbourhood.
- 5.12. Policy 7.4 deals with local character and seeks to ensure that developments should have regard to the form and structure of an area and the scale of development. The policy seeks to ensure that developments build upon the positive elements of an area's character and enhance this, where possible.
- 5.13. Policy 7.6 deals with architecture, requiring that new developments make a positive contribution to the public realm and streetscape, requiring the use of the highest quality of materials. At criterion I of the policy, it is made clear that developments should optimise the potential of sites.

Bromley UDP:

- 5.14. Section 4 of the UDP relates to housing and Policy H1 sets out the Council's housing delivery targets, which are inconsistent with those contained in the London Plan, which being more recently adopted take precedence in this case.
- 5.15. Policy H7 considers housing density and design and requires new developments to achieve a density of development consistent with the guidance published at Table 4.2 of the UDP. In addition, it seeks to ensure that developments are well designed and laid out. The policy further requires that off street car parking is provided in accordance with the maximum standards set out at Appendix 2 (1 space per flat). The policy seeks to ensure that priority is given to the movement of pedestrians and cyclists over vehicles and that adequate security and crime prevention measures are included within the design.

- 5.16. Policy H9 states that when considering new residential development, the council will normally require a proposed of two or more storey in height, a minimum 1 metre space from the side boundary of the site. This should be retained for the full height and length of the flank wall of the building. Where higher standards of separation exist, this distance will be expected to be higher.
- 5.17. Policy T3 relates to parking and explains that off street parking spaces in new development will be expected to be provided at levels no higher than the standards at Appendix 2.
- 5.18. Policy T5 explains that the Council will require all development to be designed to ensure ease of access for people with restricted mobility.
- 5.19. Policy T7 relates to cyclists and explains that the Council require cycle parking to be provided in all schemes in accordance with the published standards set out at Appendix 2 of the UDP. In the respect of residential development, one cycle space is required per unit.
- 5.20. Policy T18 explains that the Council will seek to ensure that development does not cause any harm to road safety conditions.
- 5.21. Policy BE1 is a general criteria setting policy, against which development proposals in the Borough our tested. It seeks to ensure that developments achieve a high standard of design and relate well to surrounding property and the wider townscape, as well as ensuring that neighbouring occupiers' privacy and amenities are not harmed.
- 5.22. Policy NE7 relates to development and trees and explains that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land which are important to the visual amenity of the area.

6. PLANNING MERITS:

6.1. In light of the foregoing planning history and policy assessment as well as the description of the proposed development, the main issues in this case are the effects of the proposal on:

- The character and appearance of the area;
- Living conditions of neighbouring properties;

6.2. The following material planning considerations will also be taken into account for completeness.

- Principle of development / quality of accommodation;
- Trees;
- Access and parking;

The character and appearance of the area

6.3. Planning application 12/03024/OUT was refused and dismissed at appeal on the basis that it would harm the character and appearance of the area. Reviewing specific paragraphs for appeal decision APP/G5180/A/13/2198830 (**APPENDIX 2**) highlights the concerns of the previous scheme. Paragraph 6 highlights the issues in terms of scale and states:

“...when viewed from Elstree Hill, the principal elevation would show three floors of accommodation and, despite occupying the same footprint as the existing building, would be significantly more bulky.....this disproportionate increase in scale and bulk would be apparent from public viewpoints on Elstree Hill adjoining the site...”

6.4. With regards to the height of the dismissed scheme, paragraph 7 records:

“The ridge of the proposed building would also be considerably higher than the existing building. Whilst it would be lower than the ridge height of the adjoining Yew Tree Lodge that is a function of the sloping ground level and would not justify the increased height of the building”.

6.5. The Inspector concludes in paragraph 11:

“Nevertheless, the scale and bulk of the proposed building would jar with its neighbours. The proposed building would be out of proportion with both Yew Tree Lodge and 27 Elstree Hill and, therefore have a harmful effect on the character and appearance of the area”.

6.6. These paragraphs of appeal decision APP/G5180/A/13/2198830 have directly informed the amended design which is under consideration. The number of units now sought for the development is now five, down from seven. This by definition, reduces the scale and intensity of the development.

6.7. The replacement built form continues to be in broadly the same location as the existing dwelling. It will be 2.03 metres from the northern boundary with Kirkstone Way ensuring that the spacious character between this property and Yew Tree Lodge is retained. The building will also be set well back from the highway, being 15-17 metres from the boundary wall. When viewed from the street scene, the informal character of the road and associated verge increases this distance further. The building will be 7 metres to Number 27 Elstree Hill at its closest point, just 0.5 metres closer than the existing dwelling. However, due to the staggered building line and orientation of the plot, this distance from the property increases to 11-16 metres, ensuring that space between properties is maintained.

- 6.8. In terms of height, the new built form now exhibits a stepped roof profile which reflects the sloping topography of Elstree Hill. At its highest point, the height of the building has been reduced by 0.54 metres from the previously dismissed scheme and is just 0.22 metres higher than the existing building. The staggered nature of the roof profile ensures that lower part of the roof is 1.9 metres lower than the refused scheme at roof pitch and 1.4 metres lower at eaves. It is also important to highlight that this lower part of the roof matches the existing roof pitch height of the dwelling and is lower at eaves height.
- 6.9. The bulk and presence of the south elevation has also been substantially reduced from the previously dismissed scheme, as highlighted on drawing number **5187-PD-005**. The stepped building line moves the built form away from the boundary with Number 27 Elstree Hill and the lower eaves height, a catslide design, also ensures that the bulk and scale of this elevation is condensed. Drawing number **5187-PD-005** demonstrates that all elements and elevations of this amended scheme has been significantly reduced from the previous scheme. This ensures a proportionate building which sits comfortably within the site and enhances the character and appearance of the area.
- 6.10. The building will exhibit a two storey appearance from the street scene, with no accommodation in the roof, and the basement flat being concealed. This reduces the bulk and scale of the building from Elstree Hill and reflects the presence of Yew Tree Lodge thus directly addressing the Inspectors comments in paragraph 6 of the appeal decision (**APPENDIX 2**). The asymmetrical built form of the building, enhanced by the staggered roof profile also assists in reducing the bulk of the new build. This is reflected by the respective heights of the building and Yew Tree Lodge, as depicted on the submitted street scene plan (drawing number **5187-PD-003**).
- 6.11. The subtle appearance and two storey scale of the building, ensures that the proposal exhibits the typical built form of other houses in the area. The Inspector accepted in paragraph 4 of his report (**APPENDIX 2**) that there is some variation and architectural

style in the area. The proposal reflects this, using modest gables, traditional materials and an asymmetrical form.

6.12. The amended proposal therefore clearly addresses this previous ground of dismissal, ensuring that the replacement built form complements the scale, form and materials of adjacent buildings. The amended site layout ensures that built form and space about the buildings is designed to a high quality and complements the surrounding plots. The scheme retains the spacious nature of plots and is set well away from the highway and neighbouring properties.

6.13. The scheme is therefore in full accordance with policies 7.4 and 7.6 of the London Plan and policies H7, H9 and BE1 of the Bromley UDP.

Living conditions of neighbouring properties

6.14. As with the previous section, planning application 12/03024/OUT was refused and dismissed at appeal on the basis that it would harm the living conditions of neighbouring properties. Therefore it is again important to review specific paragraphs for appeal decision APP/G5180/A/13/2198830 (**APPENDIX 2**) in relation to this. Paragraph 13 of the Inspectors report recorded:

“The rear garden, dining room and bedroom windows of 27 Elstree Hill face the appeal site....compared with the existing building, the southern and western (rear) wings of the appeal proposal would add significantly height and bulk of built development facing 27....therefore, although views would be filtered by intervening planting, given the sensitivity of the outlook, I consider on the living conditions of the occupiers of 27 would be unacceptable”.

6.15. The impact on Number 27 Elstree Hill was therefore upheld at appeal. However, in regards to The Chalet, the Inspector recorded in paragraph 14:

“I consider that the proposal would not have a harmful effect on the living conditions of the occupiers of this property.”

- 6.16. This review outlines that the only impact on neighbouring properties was the outlook of Number 27 Elstree Hill. The Inspector concluded that there would be no impact on the amenity of The Chalet.
- 6.17. Given that the development has been moved further away from The Chalet, and that there continues to be no habitable rooms facing this site (just a roof light serving the communal staircase), there will continue to be no impact on these occupiers in regards to outlook, privacy, daylight and sunlight.
- 6.18. In regards to Number 27 Elstree Hill, there continues to be no windows on the southern elevation, so there will continue to be no loss of privacy to these occupiers. The bulk and scale of this elevation has also been substantially reduced, which ensures that there will be no loss of daylight or sunlight (given that the site is to the north) to Number 27 Elstree Hill.
- 6.19. Yew Tree Lodge continues to be significant distance from the proposed development, being approximately 15 metres north. This ensures that the development will not harm light or outlook to these occupiers. No windows will overlook this property.
- 6.20. In terms of outlook, the building will be 11 metres to Number 27 Elstree Hill at its closest point, just 0.5 metres closer than the existing dwelling. However, due to the stepped building line and orientation of the plot, this distance from the property increases to 11 – 16 metres, ensuring that space between properties is maintained. The stepped building line, also removes bulk away from this boundary and the two storey element is smaller in depth than the existing building (as outlined on drawing number **5187-PD-005** – side south elevation). By moving the front building line forward by approximately 2 metres,

this also shifts the built form away from the rear outlook of Number 27 Elstree Hill. In line with this, the significantly lower eaves and subservient catslide roof exhibited on the south elevation substantially reduces the bulk and scale of this elevation.

- 6.21. The amendments to the scheme therefore ensures that the proposal preserves the sensitive outlook of Number 27 Elstree Hill. The proposal therefore addresses the previous ground of dismissal and is in full accordance with policy BE1 of the Bromley UDP.

Principle of development / quality of accommodation

- 6.22. The principle of the development, demolishing a dwelling and replacing it with flats was deemed acceptable by both the council and the Inspector under planning application reference 12/03024/OUT and appeal reference APP/G5180/A/13/2198830.

- 6.23. The council asserted that the development resulted in an over-intensive use of the site. However, this was not supported by the Inspector as highlighted in paragraph 10 of his report:

“The decision notice also states that the proposal would be an ‘over-intensive’ use of the site. However, apart from the issues addressed above, the council has not provided substantive evidence to support this”.

- 6.24. As highlighted above, the number of units sought under this development has been reduced from 7 units to 5 units. The previous scheme with reference to Table 3.2 of the London Plan, had a density of 77.8 units per hectare and therefore the density matrix did not support the proposal. By reducing the number of units, the scheme now achieves a density of 55.5 units per hectare, comfortably within this matrix. The proposal optimises the potential of the site as in accordance with paragraph 58 of the NPPF.

- 6.25. The development retains the spacious character of the plot and ensures generous distances are maintained to the boundaries of the site. The proposed scheme therefore does not result in an overdevelopment of the site nor does it over-intensify the site.
- 6.26. All five units exceed the internal floor area thresholds stipulated by Table 3.3 of the London Plan. Flat 1 exceeds this by 3.5 sqm, Flat 2 by 3.9sqm, Flat 3 by 1.9sqm, Flat 4 by 7.6sqm and Flat 5 by 3.7sqm. Therefore, in terms of the internal space being provided, the development is clearly policy compliant.
- 6.27. All 2 bedroom flats (units 1, 2, 3 and 5) are dual aspect. This careful orientation will ensure that the dwellings would be provided with adequate levels of daylight and sunlight. The 1 bedroom flat will be single aspect. However, this will face south so will ensure high levels of daylight and sunlight are received.
- 6.28. All habitable rooms would be served by well-proportioned window openings, ensuring that future occupants enjoy a high quality outlook, but due to the retention of existing enclosures, the development would be well enclosed and adequate levels of privacy would also be provided inside the flats. A large communal private amenity area is provided to the south of the main building. This will benefit from high levels of privacy and sunlight, given its position and orientation.
- 6.29. All of the units will benefit from a car parking space at the front of the building. Adequate storage of waste via a refuse store at the rear of the building is also provided.
- 6.30. The future occupants of the flats would enjoy a high quality living environment with good levels of privacy and amenity and as such the development is consistent with the Development Plan in relation to this issue.

Trees:

6.31. There are a number of individual trees within and surrounding the property subject to Tree Preservation Order LE1 1967. This particular Order was transferred from Lewisham Council to Bromley Council in 1994, but is still effective in protecting the listed trees.

6.32. As part of this application, a Tree Survey and Arboricultural Impact Assessment has been produced and accompanies this Planning Statement. An Arboricultural Method Statement has also been provided.

6.33. It is important to highlight that under planning application 12/03024/OUT, no concerns were raised in regards to the development in terms of impacting on trees. Reviewing the case officers report (**APPENDIX 3**), the Tree Officer stated:

“The application is accompanied by a tree survey and arboricultural impact assessment and concur with the findings. The trees at the site are protected by a TPO made in 1967 by the London Borough of Lewisham and they would not be directly affected by the proposal. If permission is to be recommended, please impose standard condition B18 and B19 together with a landscaping condition”.

6.34. However, given the length of time between this decision and the submission of this application, the report has been updated for the purposes of this application. The amended scheme continues to not require the direct removal or loss of any trees. It is important to note that the scale and bulk of the building has been substantially reduced and therefore will continue to not have any impact on the trees.

6.35. Based on the conclusions of the submitted Tree Survey and Arboricultural Impact Assessment, the proposal is in full accordance with Policy NE7 of the Bromley UDP.

Access and parking

6.36. The previous arrangement of access and parking is retained from the previously dismissed scheme (application reference 12/03024/OUT and appeal reference APP/G5180/A/13/2198830). This has been informed by the Inspectors comments in paragraph 10 of his report:

“Whilst the council is concerned about the visual effect of the parking proposed in front of the building, I recognise that this area is currently largely hard surfaced and that the proposed relocation of the access would, if anything, reduced views to this part of the site”.

6.37. Upon this advice, the access for the scheme under consideration will continue to be gained via Kirkstone Way and the existing crossover blocked up. The highway officer at Bromley also raised no objection to this. It is proposed to incorporate an area of new soft landscaping to soften the appearance of the parking area and access. This will enhance the street scene.

6.38. Five car parking spaces are proposed which adheres to Appendix II of the Bromley UDP. No objection was raised either by the council or the Inspector in regards to providing a 1:1 car parking space provision in this location. Five cycle spaces are provided to the rear of the property. The proposed development will therefore continue to have a positive impact on highway safety and convenience.

7. CONCLUSION

- 7.1. This planning statement has demonstrated that the amended scheme has addressed the two outstanding objections, following the dismissal at appeal. The development has been significantly reduced in size, lowering the number of units and substantially removing the scale and bulk of the previous scheme. This ensures that the proposal has a positive impact on the character and appearance of the area, and preserves the amenities of Number 27 Elstree Hill.
- 7.2. The proposed units would all exceed adopted size standards and would provide a very high quality living environment without having any adverse impacts on other properties within the development, or on any neighbouring property outside the site.
- 7.3. It has been demonstrated that the proposal continues to have no impact on the protected trees of the site, and provides appropriate access and parking for future occupiers which will have a positive impact on highway safety and convenience.
- 7.4. In view of the above, it is concluded that the development proposed in this application is consistent with the aims and detailed requirements of the National Planning Policy Framework and the Development Plan and as such, should be given planning permission.

APPENDICES

Appendix 1: - Decision Notice (DC/12/03024/OUT);

Appendix 2: - Appeal Decision (APP/G5180/A/13/2198830);

Appendix 3: - Officers Report (DC/12/03024/OUT);